

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

*

Criminal No. CCB-16-0267

SHAKEEN DAVIS

*

* * * * *

MOTION TO CONTINUE TRIAL

Shakeen Davis, through counsel, Paul D. Hazlehurst, Esquire, hereby moves this Honorable Court to continue the date of his trial in this case from November 5, 2018 to March 18, 2019. In support of this motion, the defendant provides the following:

1. Mr. Davis is currently charged along with 25 co-defendants in Count One of the indictment in the above-captioned case with participating in a Racketeering Conspiracy in violation of 18 U.S.C. § 1962(d) and, along with 22 co-defendants, in Count Two of the indictment in the above-captioned case, with Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Dangerous Substances in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846.

2. Undersigned counsel understands that there are currently seven remaining defendants who are currently set to stand trial.

3. Trial for one group of defendants is currently scheduled to begin on November 5, 2018 and last approximately three months.

4. Trial for a second group of defendants is currently set for March 18, 2018 and scheduled to last for approximately three months.

5. Mr. Davis is currently scheduled to be tried in the first group.

6. Undersigned counsel is the third attorney appointed to represent Mr. Davis.

7. Undersigned counsel was appointed on September 21, 2018, 45 days before trial was set to commence.

8. Undersigned counsel received the file of predecessor counsel on September 25, 2018.

9. To ensure that he had received all discovery produced in the case, undersigned counsel contacted discovery counsel in this case.

10. On October 5, 2018, undersigned counsel received a hard drive from discovery counsel containing the Government's 23 discovery disclosures to date that amounts to 314 gigabytes of material.

11. Undersigned counsel expects that the Government will continue to disclose discovery as well as

Jencks material as the trial nears.

12. Undersigned counsel has endeavored to review the discovery provided thus far, but the volume of information produced and to be produced by the Government makes it exceedingly difficult, if not impossible, for undersigned counsel to prepare to defend Mr. Davis effectively in the time between counsel's appointment and the November 5, 2018 trial date.

13. Continuing the date of Mr. Davis' trial from November 5, 2018 to March 15, 2018 will permit undersigned counsel additional time to review discovery and prepare to defend effectively Mr. Davis.

14. "[B]road discretion must be granted trial courts on matters of continuances; only an unreasoning and arbitrary "insistence upon expeditiousness in the face of a justifiable request for delay" violates the right to the assistance of counsel." *Morris v. Slappy*, 461 U.S. 1, 11 (1983), quoting *Ungar v. Sarafite*, 376 U.S. 575 (1964).

15. Mr. Davis submits that the need for his counsel to become conversant with the evidence the Government intends to use against him and prepare his defense as well as the fact that an alternate trial date already exists for which his counsel has no conflict presents a justifiable request for delay.

16. Undersigned counsel has spoken with Assistant United States Attorney Christina Hoffman, counsel for the Government in this case, who, at this juncture, takes no position on this motion.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of October 2018, a copy of the foregoing motion was electronically delivered to all counsel of record via ECM/CF.

/s/
Paul D. Hazlehurst